

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| STEPHEN D. WHITELEY, |) | CASE NO. 4:24-CV-16 |
| |) | |
| Plaintiff, |) | JUDGE CHARLES E. FLEMING |
| |) | |
| vs. |) | MAGISTRATE JUDGE CARMEN E. |
| |) | HENDERSON |
| COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION, |) | OPINION AND ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION |
| |) | |
| Defendant. |) | |

On January 4, 2024, Plaintiff Stephen D. Whiteley filed a Complaint seeking judicial review of Defendant Commissioner of Social Security's decision to deny his application for Disability Insurance Benefits and a period of disability. (ECF No. 1). On June 17, 2024, Magistrate Judge Carmen E. Henderson issued a Report and Recommendation (R&R) indicating that the Court should overrule Plaintiff's Statement of Errors and affirm the final decision of the Commissioner. (ECF No. 12).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to an R&R within fourteen (14) days after service. The R&R also notified the parties that failure to file any objections within that time may result in forfeiture of the ability to appeal the Court's decision. (ECF No. 12). As of the date of this decision, neither party has filed any objections.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of those portions of the R&R to which the parties have objected. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt an R&R without further review.

Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R, incorporates it fully herein by reference, and **AFFIRMS** the final decision of the Commissioner.

IT IS SO ORDERED.

Date: July 10, 2024



CHARLES E. FLEMING
UNITED STATES DISTRICT JUDGE